

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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AIRTEL WIRELESS, LLC,  
  
Plaintiff,

v.

MONTANA ELECTRONICS  
COMPANY, INC., DALE HICKMAN,  
and ANGIE HICKMAN,  
  
Defendants.

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Civil No. 04-3128 (DWF/JJG)

**REPORT AND  
RECOMMENDATION**

JEANNE J. GRAHAM, United States Magistrate Judge

The complaint in this matter was filed on July 2, 2004. On August 23, 2004, plaintiff filed a Motion to Compel Arbitration, Stay Action and Enjoin Parallel Proceedings (Doc. No. 5). Before that motion could be heard, defendants filed a Motion to Dismiss for Lack of Personal Jurisdiction (Doc. No. 14) on October 25, 2004. Both motions were heard on December 10, 2004 and a Memorandum, Opinion and Order (Doc. No. 43) was issued on January 7, 2005, denying the motion to dismiss and staying this matter in its entirety pending resolution of an arbitration proceeding. On February 15, 2008, former counsel for the defendant informed the Court that an arbitration award was issued on January 19, 2007 and the matter has been concluded (Doc. No. 47).

## RECOMMENDATIONS

Being duly advised of all the files, records, and proceedings herein, **IT IS**

### HEREBY RECOMMENDED THAT:

1. The stay be **LIFTED**; and
2. All of the claims in this matter be **DISMISSED**.

Dated: March 24, 2008

s/ Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

## NOTICE

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **April 10, 2008**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.